SUPREME COURT U.S.
FILED
2007 JUN 28
OFFICE OF THE CLERK

2006-1324

In The

SUPREME COURT OF THE UNITED STATES

PO KEE WONG, Pro Se – PETITIONER

VS

USPTO/BPAI Solicitor-RESPONDENT

PETITION FOR AN EXTRAORDINARY WRIT TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN RE PO KEE WONG FOR CASE 03-1322 (SERIAL NO.08/980,657) ACCORDING TO RULE 20.3.(a) FOR A PETITION SEEKING A WRIT OF PROHIBITION AND MANDAMUS

PETITION FOR AN EXTRAORDINARY WRIT

Submitted by
PO KEE WONG, Pro Se-PETITIONER
2413 Spencer Road, Silver, Maryland 20910-2344
Tel: 301-585-3453; e-MAIL:
POKWONG@VERIZON.NET

QUESTIONS PRESENTED

I. In a patent application case when the examiner makes an initial error of judgment, should the judges of subsequent courts, who rule the case confirmatively with one and the other, be allowed to abuse the Supreme Court Rule 10 – (a) in order to cover up the initial mistakes and to avoid for an exercise of the U.S. Federal Supreme Court's supervisory power?

II. Should all U.S. government officials be given the power to rule against a case that may be construed **in violation of U.S.C. 18 Section 2071?**

III. According to **U.S.C. 1251**, should the U.S. Supreme Court allow anyone in the U.S. Government and/ or anyone else in the world to rule against the **absolute truth of mathematics?**

PARTIES TO THE PROCEEDINGS

The only parties to the proceedings are those listed in the caption of the case.

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR AN EXTRAORDINARY WRIT

According to the U.S. Supreme Court Rule No. 20. Pro Se PETITIONER Po Kee Wong respectfully prays that an extraordinary writ issue to review the judgment below:

OPINIONS BELOW

The opinion of the United States Court of Appeals appears at Appendices page 1a to page 2a.

JURISDICTION

The ORDER by the CAFC about case 2006-1324 (Serial No. 08/980,657) was issued on June 27, 2006. The ORDER was immediately appealed in time by Pro Se Petitioner Po Kee Wong to U.S.Supreme Court started from July 21, 2006 and continued with repeated appeals to Chief Justice John G. Roberts through U.S. Supreme Court Rules No.22 with imputes from the Executive Branch of the U.S. governmental organizations and now continued the appeal by U.S. Supreme Court Rule No. 20

RELEVANT DOCUMENTS FILED

(1) Library of Congress Registration number TX 6-162-487 dated July 22, 2004:**U.S SUPREME COURT CASE NUMBER 03-1277 ON PETITION FOR REHAERING FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT- IN RE PO KEE WONG FOR CASE 03-1322(SERIAL NUMBER 08/980,657) that was also filed at the Clerk's Office.**

(2) Library of Congress Registration number TX 6-162-488 dated July 22, 2004: **U.S SUPREME COURT CASE NUMBER 03-1227 ON PETITION FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT – RE PO KEE WONG FOR CASE 03-1322 (SERIAL NUMBER 08/980,657) that was also filed at the Clerk's Office.**

REASONS FOR GRANTING AN EXTRAORDINARY WRIT

The U.S. Supreme Court should grant this petition for an Extraordinary Writ based on the following reasons in answering the Questions Presented as enumerated in the followings as reasons I.; II. and III ACCORDING TO THE Supreme Court Rules 14.1.(a);20 and 22 respectively and with the reasons having been submitted to the court and published in Library of Congress Documents (1) and (2) enumerated again in the followings :

I. THIS COURT SHOULD GRANT THIS EXTRAORDINARY WRIT BECAUSE THE USPTO EXAMINER HAD MADE AN INITIAL ERROR OF JUDGMENT OF THIS CASE. WHILE EACH ONE OF THE SUBSEQUENT COURTS SHOULD HAVE RULED INDEPEDENTLY AND STAYED AWAY FROM THE INITIALLY MADE MISTAKES. HOWEVER, SINCE THEY HAD CHOSEN TO AGREE WITH ONE AND THE OTHER AND THEREFORE, THE SUPREME COURT SHOULD STEP IN TO EXAMINE AND TO DETERMINE WHETHER THE LOWER COURTS HAVE ABUSED THE SUPREME COURT RULE 10-(a) IN ORDER TO COVER UP THE INITIAL MISTAKES SUCH THAT THEY CAN AVOID FOR AN EXERCISE OF THE U.S. FEDERAL SUPREME COURT'S SUPERVISORY POWER.

II. THIS COURT SHOULD GRANT THIS EXTRAORDINARY WRIT BECAUSE THE CASE HAS BEEN EXHUSTED WITH ALL THE COURT'S PREVIOUS APPELLATE JURISDICTIONS AS EVIDENCED BY THE REASONS LISTED IN THE PETITION FOR REHEARING IN Case No. 03-1227 AND THE QUESTIONS PRESENTED FOR A WRIT OF CERTIORARI FOR CASE No. 03-1322. THEREFORE, ACCORDING TO SUPREME COURT RULE 20 AND ACCORDING TO U.S.C. 18 SECTIONS 2071, THIS COURT SHOULD EXAMINE THIS CASE TO DETERMINE WHETHER ANY U.S. GOVERNMENT OFFICIALS WHO HAVE BEEN INVOLED IN THIS CASE MAY BE CONSTRUED THE VIOLATION.

III. THE ABSOLUTE TRUTH OF MATHEMATICS HAS BEEN CONFIRMED AND OBSERVED AS A GENERAL LAW OF NATURE BY ALL PEOPLE WORLDWIDE IN THOUSANDS OF YEARS AGO AND EVEN UP TO NOW. WHILE ALL OTHER BRANCHES OF SCIENCES AND ENGINEERINGS MAY BE CHANGED WITH TIME IN HISTORY EXCEPT THAT OF THE ABSOULTE THRUTH OF MATHEMATICS.
IF THE JUDICIAL LAWS CHOOSE TO VIOLATE THIS GENERAL LAW OF NATURE, THEN ALL THE RULINGS BY JUDGES IN THE COURTS OF JUDICIAL LAWS WILL COMPLETELY FALL APARTS WITHOUT ANY ORDERS IN ALL THE COURTS WORLDWIDE AT ALL.
IT IS MY PERSONAL OPINION THAT NO ONE ON EARTH SHOULD BE GIVEN THE POWER TO RULE AGAINST THE ABSOLUTE TRUTH OF MATHEMATICS.

ACCORDING TO U.S.C 1251, THE U.S. SUPREME SHOULD GRANT THIS EXTRAORDINARY WRIT NOT TO ALLOW ANYONE IN THE U.S GOVERNMENT AND/OR ANYONE ELSE IN THE WORLD TO RULE AGAINST **THE ABSOLUTE TRUTH OF MATHEMATICS.**

TYPE OF RELIEF BEING SOUGHT

THE U.S. SUPREME COURT SHOULD GRANT THIS EXTRAORDINARY WRIT ACCORDING TO THE ABOVE REASONS I; II AND III TO ISSUE AN ORDER TO THE SOLICITOR GENERAL OF THE JUSTICE DEPARTMENT TO INSTRUCT USPTO TO COMPLETE THE ISSUANCE AND ALLOWANCE OF THE PATENT APPLICATION NUMBER 08/980,657.

CONCLUSION

Based on the above reasons I; II; III; and the type of relief being sought, the U.S. Federal Supreme Court should grant this PETITION FOR AN EXTRAORDINARY WRIT ACCORDING TO THE Supreme court Rule 20.3.(a) to grant and complete the issuance and allowance of the U.S. Patent Application Number 08/980,657.

Respectfully submitted by,

Po Kee Wong

Po Kee Wong, Pro Se Petitioner
2413 Spencer Road, Silver Spring, Maryland 209102344 USA
Tel: 301-585-3453 E-mail: pokwong@verizon.net

APPENDICES

NOTE: Pursuant to Feed Cir. R. 47.6, this order is not citable as precedent. It is a public order.

United States Court of Appeals for the Federal Circuit

2006-1324
(Serial No. 08/980,657)

IN RE PO KEE WONG

ON MOTION

Before MICHEL, Chief Judge, LINN and DYK, Circuit Judges. PER CURIAM.

ORDER

The Director of the United States Patent and Trademark Office moves to waive the requirements of Fed. Cir.R. 27(f) and to dismiss Po Kee Wong's appeal for lack of jurisdiction. Wong responds.

Wong applied for a patent on a "Uniquely-Corrected Systems and Method to Compute High Power Functions." The Board of Patent and Trademark Appeals affirmed the rejection of the sole claim of the patent. This court affirmed the rejection. In re Wong, 2003 WL 22439880 (Fed. Cir. 2003).

The Patent and Trademark Office issued a notice of abandonment in 2004. In 2005, Wong filed a petition to revive the application. The Commissioner for patents denied the petition on July 19, 2005. Wong filed a notice of appeal on February 14, 2006, seeking review by this court of the Commissioner's denial of his petition.

The Director argues that we do not have jurisdiction over the appeal from the Commissioner's denial of the petition. We agree. Morganroth v. Quigg, 885 F. 2d 843,846 (Fed. Cir. 1989) ("the Commissioner's denial of a petition to revive a patent application is subject to review in the district court," pursuant to the Administrative Procedure Act, 5 U.S.C. $$ 701 et seq.). In his response to the motion to dismiss, Wong does not dispute the jurisdictional challenge but instead appears to argue the merits of his case.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to waive the requirements of Fed. Cir. R. 27(f) is granted

(2) The motion to dismiss is granted.

(3) Each side shall bear its own costs.

FOR THE COURT

JUN 27 2006 Signature

Date **Jan Horbaly**, Clerk

cc: Po Kee Wong
John M. Whealan, Esq.

ISSUED AS A MANDATE JUN 27 2006

The appeals, submitted to and received by the Clerk's Office in U.S. Supreme Court to examine the ORDER in details, are enumerated in time as shown in the followings: (1) April 17, 2007; (2) March 27, 2007; (3) November 08, 2006.

The contents of the appeals addressed to Honorable Chief Justice John G. Roberts are summarized in the Appeal (1) April 17, 2007 with letters of imputes from the Executive Branches of U.S. Government typed in the subsequent pages in this APPENDICES.

Contents of Appeal (1) April 17, 2007:

Dear Honorable Chief Justice Roberts:

According to the book entitled **RULES OF THE SUPREME COURT OF THE UNITED STATES, ADOPTED MARCH 14, 2005; EFFECTIVE MAY 2, 2005, FROM PAGE 22 TO PAGE 23, Rule 20-1**, I am pleading to you to grant me the writ in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

Attached with this letter of pleading include the following documents for your consideration:

(1) 1 copy of the March 27, 2007 letter from William K. Suter, Clerk of the Court and signed by Erik Fossum. 1 page.

(2) 1 copy of my most recent pleading document submitted to you on March 21, 2007 and had been received by the Office of the Clerk with a stamp dated on March 27, 2007. 20 pages.

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner for Supreme Court Case No. 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344 USA
Tel: 301-585-3453
E-mail: pokwong@verizon.net

March 27, 2007 letter from Erik Fossum:

RE: Po Kee Wong v. USPTO/BPAI

Dear Mr. Wong:

In reply to your letter or submission, received March 27, 2007, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court. The Court does not give advice or assistance or answer legal questions on the basis of correspondence.

Your papers are herewith returned.

Sincerely,
William K. Suter, Clerk
By:
Signature signed
Erik Fossum
(202) 479-3392

Contents of Appeal (2) March 27, 2007 letter:

Dear Honorable Chief Justice Roberts:

Pursuant to my March 20, 2007 telephonic conversations

(1) with Mr. Michael Sherry at (571-272-8800 of USPTO as indicated by the FEB 20, 2007 letter) and
(2) with Mr. Erik Fossum (202)-479-3392 in Supreme Clerk, William K. Suter's Office

The following documents (A);(B) and (C) are submitted to you for your consideration to take the appropriate action to end this 13 years old case:

(A) contains:

1. One page February 20, 2007 letter from Mindy B. Fleisher, Chief of Staff from U.S. PTO.
2. USPTO Primary Examiner of Art Unit: 2124 Mr. Chuong D Ngo's signed letter quoted " This communication is to inform applicant that the notice of abandonment mailed on Macrh 18, 2004 has been removed from the file record "one page.
3. Five pages of my previous Supreme Court Documents of Appeals to you as dated received by the Office of the Clerk with a seal dated on November 08, 2006. Total seven pages of documents of (A).

(B) contains:

1. One page December 20, 2006 letter from Mindy B. Fleisher, Chief of Staff from Office of the Commissioner for patents.

2. Three pages of documents from Marguerite A. Murer, Special Assistant to the President and Director of Presidential Correspondence of the White House.
3. Three pages of documents from Erik Fossum from the Supreme Court Clerk's Office.

(C) contains:

Five pages of my technical communications with two Chairmen of U.S. Nuclear Regulatory Commission and their technical staff members about the correctness and the corrections that should be done in relevance to the patent application number 08/980, 657

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner for case No. : 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344
USA
Tel: 301-585-3453
E mail: pokwong@verizon.net

FEB 20 2007 letter from Mindy B. Fleisher of USPTO:

Dear Mr. Wong

Thank you for your recent correspondence to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), Mr. Jon Dudas. Your letter has been reffered to this Office of the Commissioner for Patents for response.

Your communication again refers to your patent application, serial number 08/980,657 and specifically requests that immediate action taken to end the prosecution of this 13-year-old application.

As explained to you in previous office letters this application was finally rejected by the examiner. The rejection was affirmed by the Board of Patent Appeals and Interferences (BPAI). A request for rehearing before the BPAI was denied. The application was appealed to the Court of Appeals for the Federal Circuit (CAFC), which affirmed the decision of the BPAI. A request for rehearing before the CAFC was denied, and an appeal to the Supreme Court was also denied. Thus, all avenues of appeal have been exhausted, and the application is abandoned.

Most recently, you filed a petition for revival of the application on June 2, 2005, to which the USPTO responded on July 19, 2005. As clearly stated in our response to your petition, the USPTO lacks jurisdiction in this case to grant your petition. Jurisdiction of this case passed from the USPTO upon you filing an appeal to the CAFC.

I hope this information will be useful to you. Please feel free to contact Michael Sherry at (571) 272-8800 if you have any further questions specific to this letter.

Sincerely,
Signature signed

Mindy B. Fleisher
Chief of Staff
Office of the Commissioner for Patents

Contents of Appeal (3) November 08, 2006:

Dear Honorable Chief Justice Roberts:

I am pleading to you to examine the following two documents being sent to you according to the Supreme Court Rule number 22 such that not to allow CAFC and the USPTO/BPAI to abuse the U.S. Supreme Court Rule number 10 such that they can USE THEIR GIVEN POWER to rule against the ABSOLUTE TRUTH OF MATHEMATICS.

In particular, all their rulings may possibly be considered with intentional and/ or unintentional violation of U.S.C. 18 Section 2071 according to all documents of evidences having been submitted to the Supreme Court in the past few years. All those documents of evidences with imputes from the agencies of the Executive Branch of our U.S. government have also been openly published by the U.S. Library of Congress.

Your time and effort spent to issue your own judicial opinion on the submitted questions about this case will be gratefully appreciated by all judicial scholars and by all qualified mathematicians and physicists and scientists worldwide.

The following two documents are included in this submission to you:

(1) 2 pages of my September 23, 2006 12:36 AM E-mail of communication with Thomas L. Stoll, Associate Solicitor of USPTO.

(2) 13 pages of my September 6, 2006 APPEAL TO YOU which have been blocked and never delivered to you.

This submission will be sent to you by U.S. Postal Mail with restriction signed by you personally to prove that you have received this submission under Certified Mail Receipt number 7006-0100-0006-8263-8067.

All the mathematicians and scientists in the world and I are looking forward to hear and read from your opinion of ruling of this case.

Respectfully submitted by,
Signature signed
Po Kee Wong, Pro Se Petitioner of No. 2006-1324
2413 Spencer Road, Silver Spring, Maryland 20910-2344
USA
Tel: 301-585-3453
E-mail: pokwong@verizon.net

October 31, 2005 letter from Marguerite A. Murer:

Dear Po Kee Wong:

On behalf of President George W. Bush, thank you for your letter.
The White House is sending your inquiry to the Department of Commerce. This agency has the expertise to address your concerns. They will respond directly to you as promptly as possible.
The president sends his best wishes.
Sincerely
Signature signed
Marguerite A. Murer
Special Assistant to the President and Director of Presidential Correspondence

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November 15, 2005 letter from Marguerite A. Murer:

Dear Dr. Wong:

On behalf of President Bush, thank you for your correspondence regarding the appointment of a new Associate Justice to the Supreme Court. The president appreciates hearing your views.

Judge Samuel A. Alito, Jr., has served on the United States Court of Appeals for the Third Circuit for the past 15 years. He now has more prior judicial experience than any Supreme Court nominee in more than 70 years. He has participated in thousands of appeals and authored hundreds of opinions. In the performance of his duties, Jude Alito has gained the respect of his colleagues and attorneys for his brilliant legal mind, measured judicial temperament, and decency.

Jude Alito's long career in public service has given him an extraordinary breadth of experience on a wide range of difficult and complex legal issues, and President Bush was pleased to nominate Judge Alito to succeed justice Sandra Day O'Connor. As a Justice Department official, Federal prosecutor, and judge, he has shown a mastery of the law, a deep commitment to justice and equality, and tremendous integrity. Judge Alito understands that judges must strictly interpret the Constitution and not legislate from the bench. As the President said, his scholarly, fair-minded, and principled approach to the law will serve our Nation well in the Supreme Court.

Judge Alito has devoted his professional life to advancing justice and equality. Early in his career, he worked as an Assistant United States Attorney, handling criminal and civil matters, and argued numerous cases in the United States Courts of Appeals. As Assistant to the Solicitor General, Judge Alito argued 12 cases before the Supreme Court, and in the Justice Department's Office of Legal Counsel, he provided constitutional advice for the President and the Executive Branch. In 1987, he was appointed by President Ronald Reagan as the United States Attorney for the District of New Jersey, one of our contry's largest Federal districts. There, he gained a reputation for being both tough and fair while prosecuting white-collar and environmental crimes, violations of civil rights, drug trafficking, and organized crime.

Judge Alito possesses excellent legal training and exemplary judicial qualifications. He is a Phi Beta Kappa graduate of Princeton University. He attended Yale Law School, where he served as editor of the Yale Law Journal. He clerked for Judge Leonard Garth on the Third Circuit Court of Appeals.

In 1987, the senate confirmed Judge Alito as the United States Attorney for the District on New Jersey by unanimous consent. In 1990, the Senate confirmed Judge Alito for the United States Court of Appeals, once more by unanimous consent. President Bush believes the Senate will again be impressed by Judge Alito's distinguished record and personal character, and he urges an up or down vote on this important nomination.

For more information on Judge Alito and the nomination process, you may visit the White House website at www.whitehouse.gov/infocus/judicialnominees. Thank you again for writing. Best wishes.

Sincerely,
Signature signed
Marguerite A. Murer
Special Assistant to the President and Director of Presidential Correspondence

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May 27, 2005 letter from Gregory C. Cwalina of NRC:

Dear Dr. Wong:

This letter is in response to the email you sent to Dr. Brian Sheon of the Nuclear Regulatory Commission (NRC) on April 22, 2005. your email provided "...topics relevant to NEW NUCLEAR SFATEY STANDARD COMPUTER CODE DEVELOPMENT...in response to the request by Dr. Sheron's March 22, 2005 letter."

Dr. Sheron's March 22, 2005 letter provided an assessment of documents that you provided during the 2005 NRC Regulatory Information Conference. You were informed that members of the NRC staff looked through the documents you provided and were unable to find any information in them that supports your claim that computer analysis codes for nuclear power plant safety calculations are in error. Dr. Sheron's letter stated that NRC analysis methods, as your own calculations show, do not take into account the mathematical fact that exponentiation forms a non-commutative algebra. The March 22, 2005 letter concluded that NRC safety analysis calculations, at least with respect to exponentiation, are correct.

Dr. Sheron's letter stated that the NRC will not pursue this matter further unless you identify specific safety concerns associated with the nuclear power reactors the NRC regulates. The information provided in your April 22, 2005, email does not provide specific safety concerns. Therefore, the NRC will not take any further action regarding your email. Unless you provide specific information in the future, the NRC will not respond to any further request for review of your documents.

Sincerely,

Signature signed
Gregory C. Cwalina, Senior Allegations Coordinator
Plant Support Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation

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March 22, 2005 letter from Dr. Brian W. Sheron of NRC:

Dear Dr. Wong:

On Wednesday, March 9, 2005, at the Nuclear Regulatory Commission's (NRC) Regulatory Information Conference, you handed me several documents which you implied showed that computer codes used to analyze nuclear plant performance were inaccurate.

I and several members of my staff have looked through the documents you provided and have been unable to find any information in them that supports your claim that computer analysis codes for nuclear power plant safety calculations are in error. In fact, my staff has reviewed the mathematical formulas presented in your paper and found that that the exponentiation operator, which is at the heart

of your paper, forms a non-commutative algebra over a field. Whether the field is real or complex is irrelevant. In order for the proof of your paper to hold true, the operation must commute (i.e., the ordering of the operation does not change the result). Our analysis methods, as your own calculations show, do take into account the mathematical fact that exponentiation forms a non-commutative algebra. Therefore, you can be assured that our safety analysis calculations, at least with respect to exponentiation, are correct.

I appreciate your interest in nuclear safety. However, unless you identify specific safety concerns associated with the nuclear power reactors the NRC regulates, we do not intend to pursue this matter further. If you have a specific nuclear safety concern, please visit our website at http://www.nrc.gov/what-we-do/regulatory/allegations/safety-concern.html, email allegations@nrc.gov, or call NRC's Toll-Free Safety Hotline at (800) 695-7403

Sincerely,
Signature signed
Brian W. Sheron, Associate Director for Project Licensing and Technical Analysis, Office of Nuclear Reactor Regulation

CERTIFICATE OF SERVICE

According to the Supreme Court Rule 29.4.(a) and 29.5.(a), I hereby certify that on June 21, 2007 I , Po Kee Wong, the Pro Se petitioner, caused the following copies of the booklets of **PETIONER FOR AN EXTRAODINARY WRIT OF CERTIORARI for the case 2006-1324 to the following parties by U.S. Postal Service:**

40 copies to:
William K. Suter, Clerk, Supreme Court Office of the Clerk
1 First Street, N.E. Washington, DC 20543
Tel: 202-479-3011 and 202-479-3392 (Erik Fossum)
.Fax: 202-479-3230

2 copies to:
Solicitor General, Department of Justice
950 Pennsylvania Avenue, N.W. Room 5614
Washington DC 20530-0001
Tel: 202-514-2217 fax: 202-514-3648

1 copy to:
Jan Horbaly, Clerk/Circuit Executive
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W. Washington DC 20539
Tel: 202-633-6550 Fax: 202-633-9623

1 copy to:
John M. Whealan; Thomas L. Stoll; Joseph G. Piccolo
Office of the Solicitor
P.O. Box:15667 Arlington, Virginia 22215
Tel: 571-272-9035 Fax: 571-273-0373; 703-305-1324

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(2) Oct 16 2007

06-1705

In The

SUPREME COURT OF THE UNITED STATES

PO KEE WONG, Pro Se – PETITIONER
VS
USPTO/BPAI Solicitor-RESPONDENT

PETITION FOR AN EXTRAORDINARY WRIT TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT IN RE PO KEE WONG FOR CASE 03-1322 (SERIAL NO.08/980,657) ACCORDING TO RULE 44.2 FOR A PETITION FOR REHEARING SEEKING A WRIT OF MANDAMUS

PETITION FOR REHEARING OF AN EXTRAORDINARY WRIT OF MANDAMUS

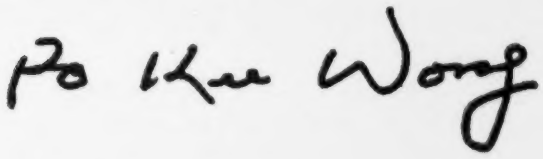
Submitted by
PO KEE WONG, Pro Se-PETITIONER
2413 Spencer Road, Silver, Maryland 20910-2344
Tel: 301-585-3453; e-MAIL:
POKWONG@VERIZON.NET

October 23, 2007

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Respectfully submitted to the United States Supreme Court by:



Po Kee Wong, Pro Se Petitioner
2413 Spencer Road
Silver Spring, Maryland 20910-2344 USA
Telephone: 301-585-3453
E-mail: pokwong@verizon.net

October 23, 2007

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REASONS FOR GRANTING THE PETITION FOR REHEARING: from page No. 1 to page No. 9

Reason No.1: Intervening circumstances from documents of two Supreme Court Case 06-1705 and Case 07-209.
From page 1 to page 2 of this Petition of Rehearing.

Reason No. 2: Grounds not previously presented from page 2 to page 9 of this Petition of Rehearing.

REFERENCE: page 10

CONCLUSION: page 10

CERTIFICATE: page I

REASONS FOR GRANTING THE PETITION FOR REHEARING

1. The Court should consider and grant this Petition for Rehearing based on the intervening circumstances of documents submitted to the Court both for Case 06-1705 and for Case 07-209 having been submitted to the Clerk's Office of the Court on September 18, 2007. The contents of the submission are being copied in the following:

Subject: Filing and Service of documents from various FOIA Offices of U.S. Government according to Supreme Court Rule 29.1.

Dear Mr. Suter:

Please help to enter the following attached documents requested from various FOIA Offices of U.S. government for Supreme Court Case 07-209:

(1) 2 pages of documents from Michael A. West, Esq.'s September 13, 2007 letter.

(2) 2 pages of my July 25, 20072:41 PM E-mail to FOIA Offices and News Media.

(3) 1 page of PI Information Summary from National Science Foundation FOIA Office.

(4) 2 pages of PI Information Summary from Volpe Center of DOT.

(5) 3 pages of my communication with FAA of DOT.

(6) 3 pages of PI Information Summary from DOE.

(7) 7 pages of PI Information Summary from Nuclear Regulatory Commission (NRC).

(8) 13 pages of PI Information Summary from NASA-I-218 Case.

(9) 13 pages of communication with IRS and DOD; NASA and Education Department (ED)(Linda Darby's September 13, 2007 letter attached) for joint investigations with relevance to NASA –I-218 Case and with request for a complete PI Summary Information Report from all those Offices are in progress.
PART I. – 15 pages. Entitled "IMPACTS FROM NEW SOLUTIONS OF OLD PROBLEMS IN MATHEMATICL AND EXPERIMENTAL SCIENCES."
PART II. – 20 pages entitled "REQUEST REVIEW FROM MEMBERS OF CSTB OF NATIONAL ACADEMIES."

Both documents are open technical discussions by qualified mathematicians and computer scientists on the subject matter directly related to the patent application number 08/980,657.
Respectfully submitted by
Signature of Po Kee Wong
Po Kee Wong, Pro Se Petitioner for Case 06-1705.

2. The Court should consider and grant this Petition for Rehearing based on grounds not previously presented as had been submitted and shown in many of the submitted documents in Reason Number 1.
In particular, the Pro Se Petitioner Po Kee Wong would like to ask Mr. Suter to provide 9 TI-83 calculators to

Each one of the 9 Justices to actually test the calculator's operations in performing the calculation of " High Power Functions" just for three very basic and simple numbers of positive integers 2;3;4 with using the symbol " ^ "to define the definition of "High Power Function " . The following is shown how I can make four junior and high school students in the Montgomery School District to have learned and understood the basic concept of "High Power Functions":

Given:

(A) Integer numbers 2; 3; and 4.

(B) A pair of Mathematical symbol parentheses ( )

(C) A mathematical symbol "^"to be used to define the meaning of "High Power Function"

Define:

The High power Function of First Order in the following symbolic operations from the givens as shown in the followings::

2^3=2x2x2=8 3^4=3x3x3x3=81

4^3=4x4x4=64 3^2=3x3=9

Please note that we do not need to use the given (B) to define the High Power function of first Order!!!

The given (B), symbol parentheses ( ), is specifically used to define the High Power Functions of the Higher Order (Namely, Second; third; fourth...etc .to infinite)

Now you can pick any company's calculators (for example, TI 83 Plus Calculators are now prevailingly used in all American high schools) and IBM and other main frame

computers in the world and do the following calculations of problems with and/or without using the Mathematical Symbolic Parentheses ( ):

(1) Calculate the following problems without using Parentheses ( ):

(a) 2^3^4=4096
(b) 2^4^3=4096
(c) 4^3^2=4096
(d) 4^2^3=4096

(2) Calculate the above problems using Parentheses ( ):

(e) (2^3) ^4=4096
(f) (2^4) ^3=4096
(g) (4^3) ^2=4096
(h) (4^2) ^3=4096

It is obvious from the end result of the above calculations represented by (a);(b);(c);(d);(e);(f);(g) and (h) are mixed up without a uniquely defined ONE VALUE FOR ONLY ONE SYBOLIC REPRESENTATION !!!

(3) Calculate all the above problems with parentheses ( ) again from the top downward:

(i) 2^ (3^4) =2^81=2.417851639E24
(j) 2^ (4^3) =2^64=1.844674407E19
(k) 4^ (3^2) =4^9=262144
(l) 4^ (2^3) =4^8=65536

Now please compare the final values of 4 problems in (2): (e);(f);(g);(h) and those in (3): (i);(j);(k);(l)

The latter provide the UNIQUELY DEFINED VALUES FOR EACH SYMBOLIC REPRESENTATION OF THE HIGH POWER FUNCTION

Why the UNIQUENESS of a GIVEN FUNCTION is so important? According to all text books now being used in the entire USA for Algebra II, all students should be taught to understand in Algebra II about the definition of "RELATION" and that of "FUNCTION" of a given equation of two variables namely (x, y). This can best be explained by a practical example of a given equation as shown in the following:

(x / 5)^2 + (y /4) ^2 = 1 ..... Equation (1) that is defined a "RELATION" between x and y. Equation (1) is an ellipse with x- intercepts at point (-5, 0) and at point (5, 0); with y-intercepts at point (0, 4) and at point (0,-4). Equation (1) is also defined as the locus of the sum of two straight line distances being equal to 10 from a variable point P (x, y) to two fixed focus point (-3,0) and focus point (3,0) .There are two expressions of y in terms of x when Equation (1) is resolved into Equations (2) and (3):

y = + 4 ((1-(x/5) ^2) ^ (1/2))..... Equation (2)

y = - 4 ((1-(x/5) ^2) ^ (1/2))..... Equation (3)

Equation (2) is the upper portion of the ellipse while Equation (3) is the lower portion of the ellipse.

For each given value of x, the y values can be uniquely defined in either Equation (2) or in Equation (3). By definition, therefore, Equation (1) is a "RELATION" of x and y. Equations (2) and (3) each is a "FUNCTION" of x with y. With all the above presentations of the concept of "High Power Functions", the following two Calculators with their identification Numbers are used:
Calculator TI 83 Identification Number: 33608885 I-0898J Assembled in ROC, Taiwan.
Calculator TI 83 Plus Silver Edition, Identification Number: 1294V00478 I-10038 Assembled and Made in Taiwan.
Open these two calculators and use the following Window to solve the problems of "high Power functions"
Window:
Xmin=0; Xmax=2; Xscl=1; Ymin= -3000
Ymax=5000; Yscl=1; Xres=1
Y1= (2x) ^ (3x) ^ (4x) – 3000 = 0
x=0.98901472
Y2= (2x) ^ (4x) ^ (3x) – 3000 = 0
x=0.98901472
Y3= (2x) ^ (12x^2) - 3000 = 0
x=0.98901472
It is clear that even though Y1; Y2 and Y3 all look different in representation but they end up with the same solution because the calculation of the function is started from the bottom upward that is the cause of the multiple representation of the same function. Y1 and Y2 look like "High Power Function" of SECOND ORDER but it is actually defined from Y3 as of FIRST ORDER.

Y4= (4x) ^ (3x) ^ (2x) - 3000 = 0
x=0.98609525
Y5= (4x) ^ (2x) ^ (3x) – 3000 = 0
x=0.98609525
Y6 = (4x) ^ (6x^2) – 3000 = 0
x=0.98609525
It is also very clear that even though Y4; Y5 and Y6 all look different but they also end up with the same solution, because the operation of the function is started from the bottom upward that is the cause of the multiple representation of the same function. Y4 and Y5 look like "High Power Function" of SECOND ORDER but they are actually defined from Y6 as of FIRST ORDER.
Y7 = (2x) ^ ((3x) ^ (4x)) – 3000 = 0 x = 0.80332448
Y8 = (2x) ^ ((4x) ^ (3x)) – 3000 = 0 x =0.80478357
Y9 = (4x) ^ ((3x) ^ (2x)) – 3000 = 0 x = 0.909224
Y10 = (4x) ^ ((2x) ^ (3x)) – 3000 = 0 x = 0.94334689
Here Y7; Y8; Y9 and Y10 are actual "High Power Functions" of SECOND ORDER. Therefore, each equation has its own unique solution!!!
The details of how to use the TI 83 calculators to solve all the above equations have been submitted to the Court as listed in the September 18, 2007 letter PART II documents. However, it is being repeated and shown here to convince the Supreme Court Justices to examine and to make the correct final judgment about this Case 06-1705:

Step I:
Open your TI 83 calculators and push the [WINDOW] button and type the following:
Xmin=0 ; Xmax=2 ; Xscl=1 ; Ymin = -3000
Ymax = 5000 ; Yscl =1 ; Xres = 1

Step II:
Push the [Y=] button and type the following for equations Y1;Y2:Y3;Y4...etc. The following steps are written to show how to calculate x=? from the equation Y1=(2x)^(3x)^(4x)-3000=0:
High light the equal sign [=] of Y1 by pushing the button [ENTER]. This means that you have entered the Y1 equation for plotting the curve of equation Y1.
Step III:
Push the button [GRAPH], then you will see the calculator is graphing the Y1 function.
Step IV:
Push the button [TRACE] and start repeatedly pushing the [ARROW] button pointing to the right hand side until you see from the screen showing
x = 0.9787234 y= - 746.1961 that is the last negative number below the x-axis (means y=0)
Step V:
Push the same button [TRACE] and [ARROW] button again, you see from the screen showing
x=1 y=1096
Step VI:
Push the [ARROW] button backward to the point at step IV. At x=0.9787234 y= - 746.1961

Step VII:
Push buttons [2nd] [CALC], it will show you a list for calculations: Choose number2 for ZERO and click the button [ENTER]:
Now the screen will ask you to make a choice Left Bound?
x=0.9787234 y= - 746.1961
Please click the button [ENTER]
Step VIII:
Push the right [ARROW] button. The screen will ask
Right Bound?
x=1 y=1096 Please click the button [ENTER]
Step IX:
Now the screen will ask
Guess?
x=1 y=1096 Please click the button [ENTER] again
Step X:
Now the screen will show you
Zero
x = 0.98901472 y=0
The above ten steps can be repeated to calculate the zeros of equations of other High Power Functions: Y2; Y3; Y4; Y5.....etc.

Based on the above reason number 1 : Intervening of documents in two Supreme Court Case 06-1075 and Case 07-209 and reason number 2: On grounds not previously presented, the Court should grant this Petition for Rehearing of this case 06-1075.

REFERENCES

[1] Supreme Court Document 06-1705
[2] Supreme Court Document 07-209
[3] Supreme Court Document 06-1324
[4] Supreme Court Document 03-1322
[5] Supreme Court Document 03-1227
[6] USPTO patent application serial number: 08/980,657 by PO KEE WONG
[7] USPTO document entitled " BRIEF AND SUPPLEMENTAL APPENDIX FOR APPELLE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE" by John M. Whealan; James R. Hughes; Joseph G. Piccolo, Dated: June 3, 2003.
[8] COMMONWEALTH OF MASSACHUSETTS Civil Action No. 02-3854-F ADMINISTRATIVE RECORD BY THOMAS F. REILLY, ATTORNEY GENERAL and Juliana deHaan Rice, Assistant Attorney General, Dated: November 12, 2003.

CONCLUSION

Based on all the technical contents in the above references and all open publications and discussions about 08/980,657 by the Pro Se petitioner Po Kee Wong with that the contents had been confirmed and verified by qualified mathematicians worldwide but not known to the two lower levels of two U.S. Judicial Courts since 1993, it is about time for the U.S. Supreme Court to act appropriately according to the Supreme Court Rule 44.2 to issue an order to Solicitor General Paul D. Clement to act and complete the issuance and allowance of the patent application serial number 08/980,657 without further delay.